(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.No.135/2006

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANT NON-APPLICANT No.3 : The Oriental Insurance Co. Ltd., City Branch Office D. Komka, Complex, T.P.Nagar, Korba (C.G.)

Versus

RESPONDENTS :
1. Asharam Alias Aswaram, S/o Chutau, Aged about 55 years.
2. Sahodra W/o Asharam, Aged about 50 years,
Both R/o Village-Pendri, P.S.- Janjgir, Distt. Janjgir-Champa (C.G.)
3. Charanjit Singh Alias Channe Singh, S/o Sardar Singh, Aged about 27 year, R/o Amraiyapara, Korba, P.S. Korba, Tahsil and District Korba (Chhattisgarh).
4. Prakash Singh Badal, S/o Sardar Singh Gil, R/o Amraiyaparar, Korba, Police Station, Korba, Tahsil & District Korba (C.G.)

Shri A.K.Athaley, Counsel for the appellant

ORAL ORDER
(Passed on 21st March, 2006)

The following judgment of the Court was delivered by S.R.NAYAK, C.J.

The appellant-Insurance Company before the M.A.C.T. contended that the liability to pay compensation could not be fastened on it because the deceased who is the son of the respondents No.1 & 2 herein was travelling as a gratuitous passenger. The M.A.C.T. having considered the above plea of the Insurance Company and on appreciation of the evidence on record, recorded the finding that the deceased was a coolie engaged by the owner of the vehicle to accompany the goods. We have perused the impugned award. The factual finding recorded by the M.A.C.T. could not be condemned for want of legal evidence or on the ground of perversity. No ground is made out to interfere with the impugned award.

2. The appeal is devoid of merit and it is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani